

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES SPRINGER,

Plaintiff,

v.

Civil Action No. 1:23-cv-00499-MIS-JMR

**SEVENTH JUDICIAL DISTRICT COURT,
MERCEDES MURPHY,
SHANNON MURDOCK-POFF, JASON JONES,
and SUSAN ROSSIGNOL,**

Defendants.

**PLAINTIFF'S OPPOSED *EXPEDITED* MOTION FOR LEAVE AND EXTENSION OF
TIME TO FILE SURREPLY**

COMES NOW, Plaintiff, through undersigned counsel of record, and respectfully moves this court for leave and extension of time to file a surreply to the Defendant's Reply, ECF Doc. No. 89, that includes new factual allegations in support of the Motion to Dismiss well as provides new purported evidence in support of the Motion that Plaintiff has not had the opportunity to address and for his reasons states:

It appears that notions of fair play and due process in litigation as murky to the upset Defendants as understanding the rights of citizens to criticize their elected officials under the First Amendment and the New Mexico Bill of Rights. Nearly the entirety of the Defendants' Reply, Doc. 89, consists new argument relying on new evidence not contained in the Motion and it is incumbent that Plaintiff should be given the opportunity to address this new argument and new purported evidence, especially in light of the fact that the Motion was filed as Rule 12(b) motion, but seeks to have this Court review evidence not contained in the pleadings. Plaintiff's counsel did endeavor to comply with LR 7.1 to discern whether or not the Defendants opposed this relief, but Defendants refused to provide a position (of opposed or unopposed) on the Motion and should

be deemed to oppose the relief requested herein. *See* EXHIBIT 1 hereto. Additionally, because the Defendants have included significant new information and argument, Plaintiff should be allowed two weeks of time to prepare and file his surreply.

WHEREFORE Plaintiff respectfully requests that the Court grant him leave and a two-week extension to file a surreply to the Defendants' pending Motion to Dismiss.

Respectfully submitted this 24th day of January 2023.

Respectfully submitted,

WESTERN AGRICULTURE, RESOURCE
AND BUSINESS ADVOCATES, LLP

/s/ A. Blair Dunn

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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2024, I filed the foregoing via the CM/ECF causing all parties of record to be served electronically.

/s/ A. Blair Dunn

A. Blair Dunn, Esq.